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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 RUBEN PABLO,

No. C 08-03894 SI

9 Plaintiff,

10 v.

11 SERVICEMASTER GLOBAL,

12 Defendant.
13 _____/

**ORDER RE: DEFENDANTS'
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
BRIEFING, DEFENDANTS' MOTION TO
PRECLUDE CLASS CERTIFICATION,
PLAINTIFFS' MOTION TO STRIKE,
AND PLAINTIFFS' MOTION TO
SHORTEN TIME**

14 On March 18, 2011, the Court heard argument on plaintiffs' renewed motion for class
15 certification, defendants' motion for partial summary judgment as to the claims of plaintiff Bonnie
16 Coursey ("Coursey motion"), and, in related case *Morse v. Servicemaster*, C 10-628 SI, defendants'
17 motion for partial summary judgment as to the claims of plaintiff John Bahr ("Bahr motion").

18 On April 27, 2011, the U.S. Supreme Court issued its opinion in *AT&T Mobility LLC v.*
19 *Concepcion*, __ S. Ct. __, 2011 WL 1561956. On May 6, 2011, before the Court had ruled on any of
20 the pending motions, defendants filed an administrative motion for leave to file supplemental briefing
21 regarding the applicability of *Concepcion* to the pending motions ("administrative motion").

22 On June 20, 2011, the U.S. Supreme Court issued its opinion in *Wal-Mart Stores, Inc. v. Dukes*,
23 --- S.Ct. ----, 2011 WL 2437013. That same day, the Court denied defendants' motion as to Coursey.
24 The next day, the Court denied defendants' motion as to Bahr. The Court has also granted seventeen
25 motions to compel arbitration in cases related to this case in the past two weeks, and many more such
26 motions remain pending.

27 The Court has not yet ruled on defendants' administrative motion, and it has not yet ruled on
28 plaintiffs' renewed motion for class certification.

1 On June 26, 2011, defendants filed a motion to preclude class certification. On June 29, 2011,
2 plaintiffs filed a motion to strike defendants' motion to preclude class certification, arguing that
3 defendants' motion is essentially an improper supplement to their opposition to plaintiffs' renewed
4 motion for class certification, filed without leave of the Court and in violation of Civil Local Rule 7-
5 3(d). Plaintiffs also filed a motion to shorten time, asking the Court to rule on its motion to strike before
6 its opposition brief would be due.

7 The Court hereby rules as follows. Significant developments since plaintiffs' renewed motion
8 for class certification was briefed and argued, including the U.S. Supreme Court opinions in *Dukes* and
9 *Concepcion*, the denial of defendants' motions for partial summary judgment, and the grant of many of
10 defendants' motions to compel arbitration, render supplemental briefing on the issue of class
11 certification useful to the Court. Therefore, the Court GRANTS defendants' administrative motion to
12 file supplemental briefing. The Court determines that defendants' motion to preclude class certification
13 is, in fact, supplemental briefing on plaintiffs' motion for class certification. Therefore, the motion is
14 TERMINATED, and the hearing scheduled for August 5 is VACATED. The Court GRANTS plaintiffs'
15 motion to shorten time and DENIES plaintiffs' motion to strike as moot. Plaintiffs may file a
16 supplemental brief of a length equivalent to that submitted by defendants, supported by any exhibits
17 necessary, if plaintiffs wish, by **5:00 p.m. on Friday, July 15, 2011**. After that date, the Court may,
18 at its discretion, schedule a new hearing on the renewed motion for class certification. (Docs. 191, 204,
19 213, 214.)

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21 **IT IS SO ORDERED.**

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23 Dated: June 29, 2011

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26 SUSAN ILLSTON
27 United States District Judge
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